

HON. JAMES A. HAYNES
District Judge - Dept. 2
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford - Suite B
Hamilton, Montana 59840
(406) 375-6780
Fax (406) 375-6785

FILED
DEBBIE HARMON, CLERK

JUN 09 2008

DEPUTY

RECEIVED

JUN 11 2008

Ravalli County Commissioners

--	--	--	--	--

*Copied to
Planning +
Env. Health
gmw 6/11/08*

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY


IN THE MATTER OF THE ESTATE OF HOWARD W. FREDERICK, Deceased.	Cause No. DP 06-33 15 Department No. 2 ORDER
---	---

To the Ravalli County Commissioners:

On June 5, 2008, a Petition to Partition Real Property by Personal Representative was filed by William Thomas Frederick, Personal Representative of the Estate of Howard W. Frederick, seeking a court ordered division of land. See Exhibit A attached. Pursuant to MCA §76-3-201(2), the governing body of Ravalli County is hereby notified of the proposed division of land.

IT IS HEREBY ORDERED that Ravalli County Commissioners may examine this proposed division of land and shall submit any written comments they may have on this proposed land division to the Court. A hearing on this matter has been scheduled for June 26, 2008 at 1:30 p.m. In the absence of timely comments, the Petition will be granted as presented.

DATED this 9th day of June, 2008.



HON. JAMES A. HAYNES, District Judge

MM 6-1008

cc: Dustin M. Chouinard, Esq.
Ravalli County Commissioners
Ravalli County Planning Department
Ravalli County Environmental Health Dept.

Dustin M. Chouinard
David T. Markette
MARKETTE & CHOUINARD, P.C.
601 S. First Street
P.O. Box 515
Hamilton, MT 59840
(406) 363-1110

Attorney for Personal Representative

FILED
JUL 12 2006
CLERK OF DISTRICT COURT
RAVALLI COUNTY, MONTANA
[Signature]

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

In the Matter of the Estate of
HOWARD W. FREDERICK,
Deceased.

Probate No. DP 06-33 | 12
Dept. No. 2

PETITION TO PARTITION REAL PROPERTY BY PERSONAL REPRESENTATIVE

William Thomas Frederick, as Personal Representative of the Estate of Howard W. Frederick, by and through his attorney, Dustin M. Chouinard, hereby requests an Order to Partition real property, as follows:

1. Howard W. Frederick died testate on January 12, 2006. Petitioner is the duly-appointed, qualified, and acting Personal Representative of the decedent's estate.

2. Pursuant to the Last Will and Testament executed by Howard W. Frederick on October 4, 1983, and filed with this court on May 12, 2006, the decedent devised and bequeathed his estate, in part, as follows:

"(a) The W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana to WILLIAM THOMAS FREDERICK.

(b) The E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana to LINDA LEA FLORES."

3. Decedent held title to the above real property located in Ravalli County, Montana, as one large piece of land with home and outbuildings. A copy of Certificate of Survey No. 891 recorded on the 21st day of July, 1975 is attached hereto as Exhibit

1 "A." A copy of the deed reflecting such ownership is attached hereto as Exhibit "B," and
2 the legal description is described hereinbelow as follows:

3 The Northwest Quarter of the Northeast Quarter (NW¼ NE¼) Section 18,
4 Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana.

5 4. There are no liens or encumbrances on the above described property
6 appearing on record, and no person other than Petitioner and Linda Lea Flores are
7 entitled to said property.

8 5. Petitioner desires to carry out the wishes of his father, and divide the land
9 accordingly for distribution.

10 Therefore, Petitioner requests that this Court enter judgment for the partition of
11 said real property, according to the respective rights of the above-named heirs, in the
12 manner as provided by the law.

13 Dated this 5 day of June, 2008.

14 MARKETTE & CHOUINARD, P.C.

15 By 
16 Dustin M. Chouinard

17 **CERTIFICATE OF SERVICE**

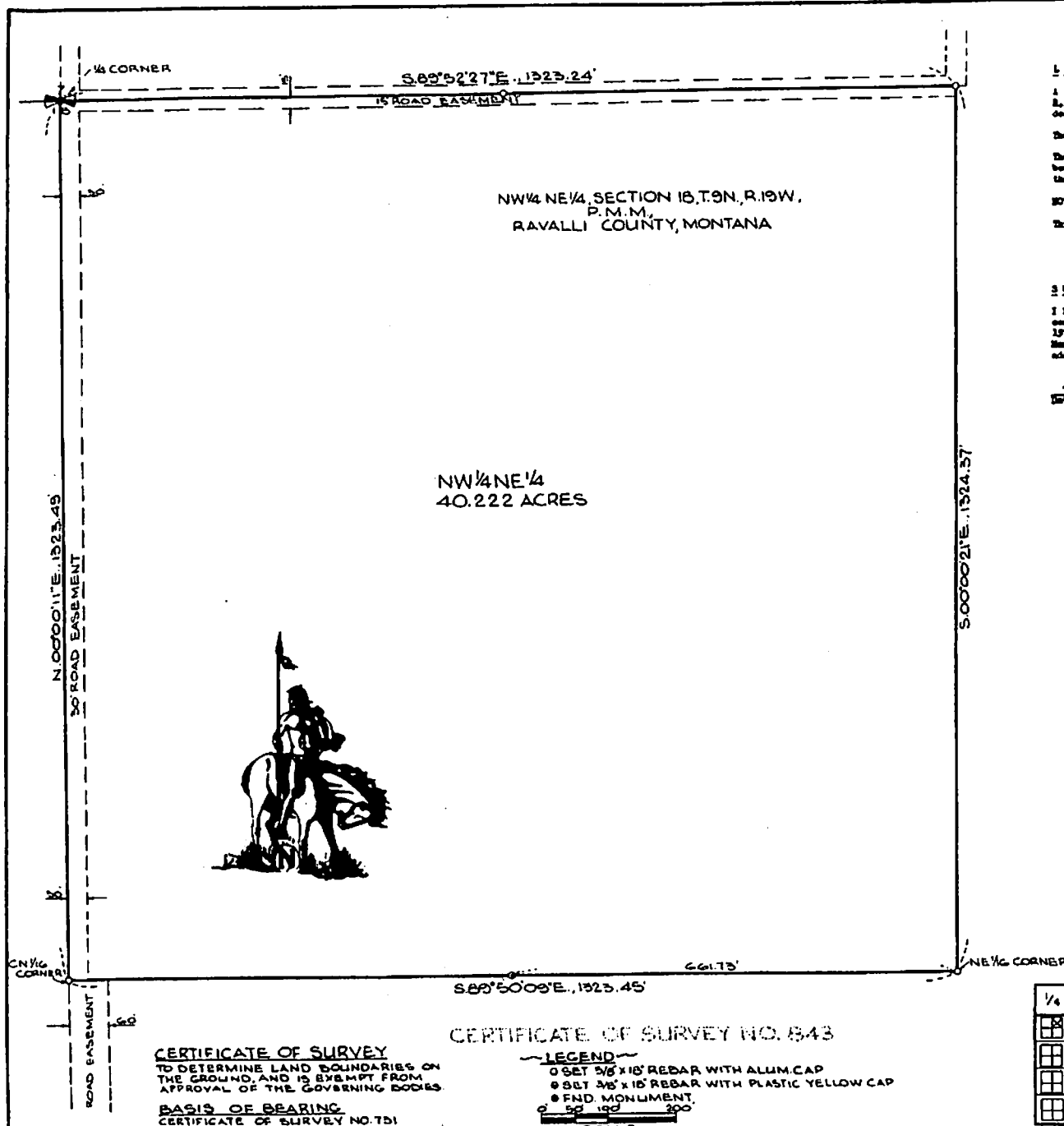
18 I, the undersigned, do hereby certify that I mailed a true and correct copy of the
19 foregoing PETITION TO PARTITION REAL PROPERTY BY PERSONAL
20 REPRESENTATIVE by placing same with the U.S. Postal Service with first class
21 postage thereon on the 5 day of June, 2008, addressed as
22 follows:

23 William Thomas Frederick
24 P.O. Box 304
25 Stevensville, MT 59870

26 Linda Lea Flores
27 P.O. Box 6461
28 Mesa, AZ 85216

Louise C. Armstrong
11681 West El Centro
Boise, ID 83709





LEGAL DESCRIPTION

A tract of land located in and being a portion of Section 18, T.9N., R.19W., P.M.M., Ravalli County, Montana and being more particularly described as follows:

The Tract contains 40.222 Acres

The purpose of this Certificate of Survey is to determine land boundaries on the ground and to exempt from approval or review of the governing bodies under Section 11-2615-(6) (a) S.C.M., 1947.

NOTE:

This tract subject to all encumbrances shown or of record.

SURVEYORS CERTIFICATION

I hereby certify that to the best of my knowledge this is a true and correct representation of a survey performed by me in June and July, 1975, and that this survey has been prepared in accordance to the Montana Subdivision and Platting Act, S.C.M., 1947, and the regulations adopted pursuant thereto, as I understand them.

7-21-75

Elden L. Dandrit



Registered Land Surveyor
Montana Registration No. 3713S.

SURVEY BY

ELLI & ASSOCIATES
Professional Land Surveyors &
Land Planners

MISSOULA, MONTANA
Telephone 143-1111

2/1/85

I certify that I reviewed and find this
survey to be correct.
Date 7-25-75
Elden L. Dandrit
Professional Land Surveyor
Montana Registration No. 3713S

SHEET 1 OF 1

CERTIFICATE OF SURVEY NO. 871

75-403

Page 413
271040

STATE OF MONTANA } ss.
County of Ravalli
Filed for record this 15th day of Oct 1922 at 11:57 o'clock P.M. and
Recorded in Book 163 of Deeds, on Page 413 of the Records of County of Ravalli
State of Montana Clara E. Boydston Clerk and Recorder By Clara E. Boydston
No. 14—QUIT CLAIM DEED. 200 OFFICE PUBLISHING CO., WELLES, MONT.

THIS INDENTURE, Made the 30th day of July in the year of our
Lord one thousand nine hundred and Seventy-five between
ANDREW P. BOYDSTON and LINDA M. BOYDSTON

the parties of the first part
and HOWARD W. FREDERICK and VIOLA C. FREDERICK, husband and wife,
as joint tenants, with right of survivorship Boydston

Stevensville, MT the parties of the SECOND PART,
WITNESSETH: That the said parties of the FIRST PART for and in consideration of
the sum of ten Dollars, (\$ 10.00)
to them in hand paid by the said
parties of the SECOND PART, receipt of which is hereby acknowledged; do hereby convey,
remise, release and forever quitclaim unto the said parties of the second part, and to their
heirs, and assigns, all right, title and interest in and to the following described real estate, situated in the
SUNNYSIDE ACRES County of Ravalli

and State of Montana, to-wit:

The Northwest Quarter of the Northeast
Quarter (NW 1/4) Section 19, Township
9 North, Range 19 West, Ravalli
Ravalli County, Montana.

together with all the tenements, hereditaments, and appurtenances thereto belonging, and the reversion
and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right,
title, interest property, possession, claim and demand whatsoever
as well in law as in equity, of the said parties of the first part, of, in or to the said premises and
every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their
hand, seal, and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Andrew P. Boydston (SEAL)

Linda M. Boydston (SEAL)

STATE OF MONTANA } ss.

County of Mineral

On this 15th day of Aug nineteen hundred and 75
before me, Ar. Balaban a Notary Public for the
State of Montana, personally appeared Andrew P. Boydston + Linda M.
Boydston
known to me

(or proved to me on oath of Ar. Balaban)
the person whose name is subscribed to the within instrument, and acknowledged
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal
the day and year in this certificate first above written.

Ar. Balaban
Notary Public for the State of Montana
My Commission Expires Aug 19 1976

Howard W. Frederick
Viola C. Frederick
Boydston
at 57820

EXHIBIT
"B"

Betty T. Lund CLERK AND RECORDER BY *B. L. McChristian*

Page 1

APPLICATION FOR DETERMINATION OF INHERITANCE TAX

DEPARTMENT OF REVENUE — INCOME & MISCELLANEOUS TAX DIVISION — INHERITANCE TAX
MITCHELL BUILDING — HELENA, MONTANA 59820

INH-1-1/89

INSTRUCTIONS
COMPLETED

This form is to be used only when a personal representative is not required.

I hereby make application for determination by the Department of Revenue of the amount of Inheritance Tax, if any due the State of Montana by reason of death of the following named decedent.

Decedents First and Middle Name <i>Viola Cecelia</i>		Decedents Last Name <i>Frederick</i>		Date of Death <i>May 29, 1987</i>
Residence (Domicile) at Time of Death <i>PO Box 304 Stevensville, MT</i>		Address of Decedent at time of Death <i>PO Box 304 Stevensville, MT</i>		Social Security Number <i>391-16-0259</i>
Cause of Death <i>Ovarian Cancer</i>		Place of Death if Different than Address, (e.g. Name of Hospital) <i>St. Patricks Hospital, Missoula, MT</i>		
Usual Occupation of Decedent <i>Electronic Tech</i>	Length of Illness <i>9 mo</i>	Date of Birth <i>Dec 28 1920</i>	Marital Status of Decedent <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	

DID THE DECEDENT HAVE AN INTEREST IN ANY PROPERTY LOCATED OUTSIDE THE STATE OF MONTANA? ☐ Yes ☐ No IF YES, SUBMIT A COPY OF THE INVENTORY AND VALUES OF ALL PROPERTY AND SCHEDULE A.

WAS FEDERAL ESTATE TAX RETURN FILED? If yes, please attach a copy.

DOES THIS APPLICATION INCLUDE ALL PROPERTY OF THE DECEDENT? ☐ Yes ☐ No

(FOR DEPARTMENT OF REVENUE USE ONLY)

CERTIFICATE

Upon examination of this application, the Department of Revenue finds that:

TOTAL INHERITANCE/MONTANA ESTATE TAX DUE IS

NONE

1. If the tax as shown due is paid on or before _____ a discount of five percent (5%) is allowable (no allowable discount on Estate tax). If the tax is not paid on or before that date, interest must be charged at the rate of ten percent (10%) per annum from the date of death to the date of payment of any portion of said tax remaining unpaid.

OR:

2. That the records indicate a deposit of tax was made. _____
and that:
- ☐ The tax is fully paid.
 - ☐ An additional payment is due in the amount of _____
 - ☐ A refund is due and will be processed shortly _____

I hereby certify that I am the custodian of the records of the Inheritance Tax Department of Revenue, and that this application is a full, true, and correct copy of the application on file in this office.

Betty T. Lund
Inheritance Tax Bureau

TO BE COMPLETED BY THE COUNTY TREASURER'S OFFICE

Date: _____ A-120 No. _____ INH. TAX \$ _____
This will certify that the information is true and complete.
Less Discount
Plus Interest
Amount Paid

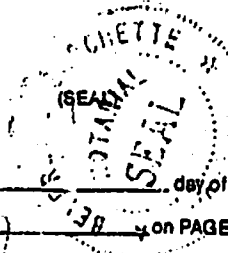
County Treasurer

AFFIANT IS THE PERSON WHO EXECUTED THE FOREGOING APPLICATION. HE HAS READ THE SAME AND KNOWS THE CONTENTS THEREOF. THE MATTERS STATED THEREIN ARE TRUE TO HIS KNOWLEDGE, EXCEPT SUCH MATTERS AS ARE STATED TO BE UPON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS HE BELIEVES THEM TO BE TRUE. PLEASE SUBMIT FORM, IN DUPLICATE, BOTH WITH ORIGINAL SIGNATURES AND NOTARY.

Ret: *Howard W. Frederick (Husband)* *Howard W. Frederick*
Person or Firm Preparing Application Signature of Applicant
PO Box 304 Stevensville, MT *PO Box 304 Stevensville, MT*
Mailing Address Applicant's Complete Mailing Address
59870 *59870*

Subscribed and sworn to before me this

3rd of Nov 1993



Betty T. Lund
Notary Public for the State of Montana

Residing at *Stevensville*

My commission expires *3-4-96*

Filed for record on the _____ day of _____ A.D., 19____ at _____ O'clock _____ and Recorded in
BOOK _____ of _____ on PAGE _____ Records of _____ County, Montana.

Fee \$
Return to:

County Clerk and Recorder,

By _____ Deputy

INVENTORY AND APPRAISEMENT
(If any Property was solely owned by Decedent, see Instructions)

INH-3 -- Page 2

JOINTLY OWNED PROPERTY

List all jointly owned property including real estate, bank accounts, U.S. Bonds, etc. List the name or names, relationship to decedent and addresses of the surviving joint tenant(s) immediately above each item or group of items as applicable. Real property must be described by legal description giving the City or County in which it is located.

ITEM NO.	COMPLETE DESCRIPTION	Full Fair Market Value on Date of Death	Taxable Interest
1	NE 1/4 of NE 1/4 Sect 28 T12N R14W Granite County, MT.	0	0
2	Missoula County - See Attached description	0	0
3	NW 1/4 of NE 1/4 Sect 18 T9N R19W Ravalli County CS 891 #2.	0	0

TOTAL TAXABLE JOINTLY OWNED PROPERTY \$ 0

TRANSFERS DURING DECEDENTS LIFE

List all transfers made by the decedent for less than adequate consideration, in money, or money's worth, within three years of death, and transfers made to take effect at or after death, including trusts, P.O.D. Bonds, and any transfers wherein the decedent retained any incidence of ownership, regardless of date of transfer.

ITEM NO.	COMPLETE DESCRIPTION	Fair Market Value

TOTAL OF TRANSFERS DURING DECEDENTS LIFE \$ 0

ALL OTHER PROPERTY NOT REQUIRING PROBATE

ITEM NO.	COMPLETE DESCRIPTION	Fair Market Value

TOTAL OTHER PROPERTY \$ 0

TOTAL VALUE OF THIS PAGE (Post to Page 3, line 7c) \$ 0

(If any space is insufficient, attach schedule)

SCHEDULE OF DEDUCTIONS

INH-3—Page 3

Show Total of each Deduction—if space is insufficient, attach schedule

1. FUNERAL EXPENSES

_____ \$ _____
_____ \$ _____

2. Debts and Taxes Owning on Date of Death:

_____ \$ _____
_____ \$ _____

3. Attorney Fees

_____ \$ _____

4. Appraisers Fees

_____ \$ _____

5. Other Expenses:

_____ \$ _____
_____ \$ _____

6. TOTAL DEDUCTIONS

_____ \$ 0

If decedent owned property outside the state complete Schedule A. If not, post total to line 7(b) below.

7. a. Total value of property transferred (From Page 2, line 4)

_____ \$ 0

b. Less Total Deductions (from line 6 above)

_____ \$ 0

c. Net Property subject to tax

_____ \$ 0

8. State names of each joint tenant, remaindermen, etc., relationship and other information as required below:

Name	Relationship	Taxable Int.	Exemption	Taxable Share	Rate	Amount of Tax
Howard W. Fredrick	Spouse	0	100%			0
TOTALS				TOTAL TAX DUE		

9. Was an estimated deposit of inheritance tax made? ☐ Yes ☐ No Receipt Number _____

If Yes, give date of deposit _____ Amount \$ _____ County wherein deposit was made _____

TABLES OF RATES AND EXEMPTIONS

When decedent died prior to July 1, 1977

Exemptions shown apply only in estates located entirely within the State of Montana. Where the property is located partly within and partly without Montana, exemptions are apportioned as provided in Section 72-16-704, MCA.

Widow—When decedent died prior to July 1, 1965	\$17,500	2%	4%	6%	8%
Widow—When decedent died on or after July 1, 1965	\$20,000	2%	4%	6%	8%
Widow—When decedent died on or after July 1, 1974	\$25,000	2%	4%	6%	8%
Husband—When decedent died prior to July 1, 1965	\$ 5,000	2%	4%	6%	8%
Husband—When decedent died between July 1, 1965 and July 1, 1969	\$10,000	2%	4%	6%	8%
Husband—When decedent died on or after July 1, 1969	\$20,000	2%	4%	6%	8%
Husband—When decedent died on or after July 1, 1974	\$25,000	2%	4%	6%	8%
Minor children of decedent died on or after July 1, 1969	\$ 5,000	2%	4%	6%	8%
Lineal ancestor of descendant, adopted child or lineal issue of adopted child	\$ 2,000	2%	4%	6%	8%
Brother or sister of descendant, son's wife or daughter's husband	\$ 500	4%	6%	12%	16%
Uncle, aunt or first cousin	None	6%	12%	18%	24%
Any other degree or consanguinity, or a stranger in blood or body politic, or corporate	None	8%	16%	24%	32%

If decedent died after July 1, 1977, see table at bottom of page 4.